

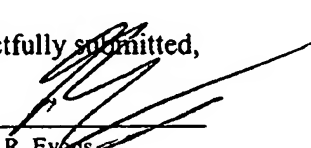
REMARKS

Adding Figure 5 to show in clearer isometric view the mouthguard shell 16 of Figure 1 and, particularly, the "C" configuration and "U" transverse cross section thereof described at page 2, lines 33 - 33 (as numbered), of the original specification confirms the distinctions previously made from the Faunce U.S. patent 4,270,892 of the rejection.

In relation to the cited reference US 4270892, it should be noted at column 8, lines 12 to 14 it stats that as "the mouthguard blank softens, it drapes slightly about the mould". Clearly from this portion of the specification, the mouthguard blank cannot be in the shape of a mouthguard as it would not be described as undergoing the process of draping. As stated previously, the mouthguard blank of this reference is a sheet material. When it is heated it drapes over the mould.

The mouthguard shells described in PCT/AU99/00458 would have located on their internal surfaces a mouldable material such as a mouldable vinyl. When a person to wear the mouthguard bits the mouldable material, a dental impression results. This is fully described at page 4, lines 35 to 38 of page 4 of the reference. Accordingly, no consideration is given to moulding the mouthguard shell apart from within the user's mouth. There is no suggestion that would lead the skilled addressee to use the apparatus of US4270892.

Respectfully submitted,



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FEE DEFICIENCY

NOTE: *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☒ If any additional extension and/or fee is required, charge Account No. 12-0425.

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 12-0425



SIGNATURE OF PRACTITIONER

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